VIRGINIA LAW REGISTER

R. T. W. DUKE. JR., EDITOR.
A. R. MICHIE AND FRANK MOORE, ASSOCIATE EDITORS.

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Haddock v. Haddock.

The decision of a constitutional question by a bare majority of the Supreme Court of the United States is always to be regretted. There is danger when a change in the personnel of the court takes place, of having the rule of law changed and no one can feel that the law is fixed beyond question. Nothing has indicated the danger of this sort of procedure more than the decision in Haddock *v.* Haddock, 201 U. S. 562; VA. LAW REGISTER, vol. 12, p. 100. By a bare majority of one it was decided in that case that a decree for a divorce rendered in a State other than that of the matrimonial domicile of the parties, at the suit of the husband *bona fide* domiciled in the State of the forum, against the wife who remained a resident of the State of the matrimonial domicile, is not a decree *in rem*, and that therefore constructive service of publication, although in accordance with the law of the forum against the non-resident defendant imparts no validity to the decree against her, and therefore this decree is not in any other State of the Union within the protection of the "full faith and credit" clause of the United States Constitution.

It is to be regretted that the court did not pass upon the question as to the validity of such a decree within the State of the forum. Would such a decree in the State of the forum be valid there against both parties? *Pennoyer v. Neff*, 95 U. S. 714, seems to hold to the contrary. Would it be invalid as to the defendant and yet valid as to the plaintiff? This would be directly contrary to Atherton *v.* Atherton, 181 U. S. 155; but in this case Mr. Justice Peckham and the Chief Justice dissented and therefore are consistent in their opinion in Haddock *v.* Haddock. It seems to us that the reasoning of the court in Atherton *v.* Atherton is certainly far more consistent and in accordance with the principles of common justice and convenience than in

Haddock *v.* Haddock. Any one reading the opinion of the court in the three cases mentioned above will find himself in a good deal of a haze as to the law governing process by order of publication and its effect upon parties residing in another jurisdiction. We suppose that the States still have the right to recognize the divorce decrees of sister States, even rendered under the circumstances of the Haddock case, if they choose, and are no way bound to follow that case.

This simply adds another complication to the numerous complications in our complex system of Federal and State courts. The way out of it is not clear and whilst the lover of states rights may well shudder at the prospect of giving the Federal government any further powers, it may be that an amendment to the constitution now so much discussed making a uniform law of marriage and divorce throughout the Union, may become necessary.

American Bar Association.

Report of The 28th Annual Meeting of The American Bar Association, held at Narragansett Pier, August 23d-4-5, 1905. Dando Printing & Publishing Co., Philadelphia, Pa.—This volume is of peculiar interest to the Virginia Bar, not only from the excellent articles read before the Association, and the minutes of the proceedings, interesting as well as valuable, but also from the fact that the genial countenance of the President H. St. George Tucker—"Our Harry"—smiles upon us from the frontispiece, whilst his address upon the *Legislation of the States and Territories During the Year 1904* is not only a careful digest of the important legislation of every state in the Union, but is an eloquent and able address upon the ethics of the profession and upon the science of law. We wish that every lawyer—especially the younger lawyers in this Commonwealth—could read the concluding pages of this admirable address and follow it up by reading the address which followed it, by Alfred Hemenway of Boston, Mass., upon the *American Lawyer.* The two contain an eloquent tribute to the profession, but filled with useful suggestions and high thoughts which cannot be read by any one except with pleasure and profit.

The minutes of each section of this Association—for the Asso-

ciation divides itself up (as is almost absolutely necessary from its large size and the number of topics treated) into sections—upon *Uniform State Laws, Copyright, Legal Education, Uniformity of the State Laws,* and other important branches of the law, are of unusual value not only in suggestiveness but as an evidence that the members are awake to their responsibilities and duties.

We find that the membership from Virginia is quite large and composed of some of the leading lights of the profession. We have read the report of the proceedings with much interest and are gratified to see that the lawyers of the American Union are organizing and acting not only for the good of the profession, but for the benefit of the whole country.

The Uniform Act on Negotiable Instruments.

The Negotiable Instruments Act found in Va. Code 1904 as Section 2841a was prepared some twelve years ago by the Commissioners on Uniform State Laws. The act is considered a masterpiece of legal draftsmanship. It has been adopted by thirty of the states and territories, including the District of Columbia. The various provisions of this law have been construed by the courts of last resort in many of the states and a digest of the opinions were collected and published in the Annotated Code of Virginia 1904, and Mr. Pollard, in his Code Biennial 1906, published many additional decisions. It is now the purpose of the REGISTER to publish under "Notes of Cases" such other decisions as have been or may from time to time be rendered in the United States. In other words, the REGISTER has formed a regular and systematical plan for keeping the bar in touch with the construction placed by the courts on this most important act.